

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CHRISTOPHER MICHAEL HALE,

Plaintiff,

v.

Case No. 1:11-cv-128 RB/SMV

THE GEO GROUP, INC.,

Defendant.

**ORDER DENYING DEFENDANT’S MOTION TO PREVENT PLAINTIFF FROM
FILING ADDITIONAL MOTIONS WITHOUT PRIOR LEAVE OF THE COURT**

THIS MATTER comes before the Court on Defendant’s Motion to Prevent Plaintiff from Filing Additional Motions Without Prior Leave of the Court and Memorandum of Law in Support [Doc. 81] (“Motion for Restrictions”). Defendant asks this Court to impose filing restrictions on Plaintiff in light of Plaintiff’s numerous motion filings.¹ Plaintiff is incarcerated, appearing pro se, and proceeding *in forma pauperis* under 28. U.S.C. § 1915 (2006). Plaintiff has been afforded leniency in his pleadings due to his pro se status. *See Haines v. Kerner*, 404 U.S. 519, 520 (1972). However, Plaintiff is cautioned that his right of access to the courts is not absolute. He has no constitutional right of access to the courts to pursue frivolous matters. *See In re Winslow*, 17 F.3d 314, 315 (10th Cir. 1994).

The Court will not impose filing restrictions at this time. However, Plaintiff is put on notice that if he abuses the privilege of proceeding *in forma pauperis*, filing restrictions may be imposed.

¹ To date, Plaintiff has filed twenty-six motions, some of them duplicative, over the course of thirteen months. *See* Docs. 2, 3, 4, 7, 8, 9, 10, 13, 16, 19, 20, 29, 34, 41, 43, 44, 45, 63, 65, 67, 72, 75, 77, 78, 79, 80.

See Werner v. State of Utah, 32 F.3d 1446, 1447–48 (10th Cir. 1994); *see also In re Winslow*, 17 F.3d at 315 (citing 28 U.S.C. § 1651) (holding that a court may impose restrictions commensurate with its inherent power to enter orders “necessary or appropriate” in aid of jurisdiction).

IT IS THEREFORE ORDERED that Defendant’s Motion for Restrictions [Doc. 81] is denied at this time.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'S. Vidmar', is written over a horizontal line.

STEPHAN M. VIDMAR
United States Magistrate Judge